

Presentment Date: June 1, 2022

Objection Deadline: May 31, 2022 at 4:00 p.m. (AST)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

This filing relates to ERS.

NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE THREE HUNDRED SIXTY-SEVENTH OMNIBUS OBJECTION (NON-SUBSTANTIVE) OF THE EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO TO EMPLOYMENT-RELATED CLAIMS ASSERTED AGAINST THE INCORRECT DEBTOR (ECF NO. 17933)

PLEASE TAKE NOTICE that, on May 24, 2022, the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” or the “Debtor”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of ERS pursuant to section 315(b) of the *Puerto Rico Oversight*,

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Management, and Economic Stability Act (“PROMESA”),² hereby submits a *Notice of Presentment of Proposed Order Granting the Three Hundred Sixty-Seventh Omnibus Objection (Non-Substantive) of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Employment-Related Claims Asserted Against the Incorrect Debtor* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on August 20, 2021, ERS, by and through the Oversight Board, filed the *Three Hundred Sixty-Seventh Omnibus Objection (Non-Substantive) of the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Employment-Related Claims Asserted Against the Incorrect Debtor* [ECF No. 17933] (the “Three Hundred Sixty-Seventh Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that the Three Hundred Sixty-Seventh Omnibus Objection was initially scheduled for hearing on October 6, 2021, and was subsequently adjourned, pursuant to notices, to the Claim Objection Hearings (as defined below).

PLEASE TAKE FURTHER NOTICE that any party against whom the Three Hundred Sixty-Seventh Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Three Hundred Sixty-Seventh Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico by 4:00 p.m. (Atlantic Time) on September 20, 2021 (the “Response Deadline”).

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Three Hundred Sixty-Seventh Omnibus Objection, if no responses were filed by the Response Deadline, the Three Hundred Sixty-Seventh Omnibus Objection “will be deemed unopposed and may be

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to Three Hundred Sixty-Seventh Omnibus Objection, ECF No. 17933-4, at 2.

PLEASE TAKE FURTHER NOTICE that, on December 8, 2021, this Court entered the *Order Regarding Adjourned Omnibus Objections to Claims* [ECF No. 19461] (the “Order Regarding Adjourned Omnibus Objections”), scheduling hearings on January 19-20, 2022, at 9:30 a.m. (Atlantic Time) (the “January Claim Objection Hearing”), and February 16-17, 2022, at 9:30 a.m. (Atlantic Time) (the “February Claim Objection Hearing,” and together with the January Claim Objection Hearing, the “Claim Objection Hearings”), to consider, *inter alia*, the Three Hundred Sixty-Seventh Omnibus Objection. Order Regarding Adjourned Omnibus Objections at 1.

PLEASE TAKE FURTHER NOTICE that, as of the filing of this Notice, the Claimants associated with Proofs of Claim Nos. 9987, 16543, and 106655, listed on **Exhibit A** hereto have responded to the Three Hundred Sixty-Seventh Omnibus Objection (the “Claims to Be Heard”) on or before the Response Deadline via either (i) ECF filing, (ii) mailing to Prime Clerk, LLC (“Prime Clerk”), (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (the “UCC”) and forwarded to counsel for the Oversight Board.

PLEASE TAKE FURTHER NOTICE that, at the Claim Objection Hearings, ERS prosecuted, and the Court sustained, the Three Hundred Sixty-Seventh Omnibus Objection as to the Claims to Be Heard.

PLEASE TAKE FURTHER NOTICE that, with the exception of the Claims to Be Heard, as of the Response Deadline, the Claimants associated with all other claims listed on

Exhibit A hereto failed to respond to or otherwise oppose the Three Hundred Sixty-Seventh Omnibus Objection (the “Claims to Be Reclassified via Notice of Presentment”).

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit B** is a proposed order (the “Proposed Order”) reclassifying (1) the Claims to Be Heard and (2) the Claims to Be Reclassified via Notice of Presentment.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Court’s *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1], “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court no later than **4:00 p.m. (Atlantic Time) on May 31, 2022**, the relief requested shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

[Remainder of Page Intentionally Left Blank]

Dated: May 24, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock

Brian S. Rosen

(Admitted *Pro Hac Vice*)

PROSKAUER ROSE LLP

Eleven Times Square

New York, NY 10036

Tel: (212) 969-3000

Fax: (212) 969-2900

Email: mbienenstock@proskauer.com

brosen@proskauer.com

*Attorneys for the Financial Oversight and
Management Board for Puerto Rico, as
representative of the Employees Retirement
System of the Government of the
Commonwealth of Puerto Rico*

/s/ Hermann D. Bauer

Hermann D. Bauer

USDC No. 215205

Carla García Benítez

USDC No. 203708

O'NEILL & BORGES LLC

250 Muñoz Rivera Ave., Suite 800

San Juan, PR 00918-1813

Tel: (787) 764-8181

Fax: (787) 753-8944

Email: Hermann.bauer@oneillborges.com

*Co-Attorneys for the Financial Oversight and
Management Board for Puerto Rico, as
representative of the Employees Retirement
System of the Government of the
Commonwealth of Puerto Rico*